GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Director of Treasuries & Accounts Department - Dr. P. Bramhananda Rao, Joint Director (Retired) - Sanction of pensionary benefits - Orders - Issued.

FINANCE (ADMN-I-DTA) DEPARTMENT

G.O.Rt.No. 614 **Dated: 25.03.2025**

Read the following:

1. State Project Director, SSA (RVM), A.P., Hyderabad Rc.No.10898/B2/ RVM/2012, dated 12.12.2012, 12.02.2013 & 01.04.2013.
2. State Project Director, SSA (RVM), A.P., Hyderabad Rc.No.1493/RVM/ B2/2014, dated 13.02.2014 & 26.02.2014, 26.03.2014.
3. G.O.Rt.No.1045, Finance (Admn.I) Department, Dt: 19.03.2013.
4. G.O.Rt.No.3032, Finance (Admn.I) Department, Dt:20.12.2014.
5. G.O.Rt.No.1974, Finance (Admn.I) Department, Dt:09.11.2021.
6. G.O.Rt.No.225, Finance (Admn.I) Department, Dt:07.09.2022.
7. G.O.Rt.No.225, Finance (Admn.I) Department, Dt:25.10.2023.
8. Docket Order Dt.29.04.2023 of Court of XII Addl. Chief Metropolitan Magistrate, Hyderabad in Cr.No.31 of 2014.
9. Judgment Dt.05.12.2022 of the Hon'ble High Court of Telangana, Hyderabad in Criminal Petition No.10793 of 2022.
10. Judgment Dt.28.06.2023 of the Hon'ble High Court of A.P., Amaravati in W.P.No.14895 of 2023.
11. Judgment Dt.15.03.2024 of the Hon'ble High Court of A.P., Amaravati in Contempt Case No.6707 of 2023 in W.P.No.14895 of 2023.
12. Director of Treasuries & Accounts, A.P., Progcds. No. FIN02- 14060/7/2021-D SEC-DTA (1381005), Dt.02.05.2024.
13. Judgment Dt.03.05.2024 of the Hon'ble High Court of A.P., Amaravati in Contempt Case No.6707 of 2023 in W.P.No.14895 of 2023.
14. Inquiry Report in D.O. Letter.No.167/Col-JS/2023, Dt.10.05.2024 received from Member of Commissioner of Inquiries.

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ORDER:

In the reference first and second read above, Articles of charges framed against Dr. P. Bramhananda Rao, the then Finance Comptroller, Rajiv Vidya Mission (Sarva Siksha Abhiyan) now Joint Director (Retired), Treasuries and Accounts Department in respect of the case of “certain financial and other irregularities committed by him during 2011-12 in maintaining the accounts of the RVM, in which it resulted the misappropriation of Government funds”.

2. In the reference third read above, Government have initially appointed the then Director of Treasuries & Accounts as Inquiry Authority. Subsequently, following a request from the State Project Director of SSA(RVM), Andhra Pradesh, the case was entrusted to the Commissioner of Inquiries and the then Commissioner of Inquiries was appointed as Inquiry Authority vide reference fourth read above. Due to successive retirements of the Members/COI, changes in the Inquiry Authorities taken place and accordingly orders were issued in the references fifth to seventh read above.

3. In the reference eight read above, the Court of XII Addl. Chief Metropolitan Magistrate, Hyderabad has passed orders that *"The police filed report of service of notice to the def-Complainant along with acknowledgments. The def-complainant called absent. No representation. It seems that the def-complainant has no interest to file protest. Therefore, the final report filed by the police is accepted and issue proceedings accordingly".* Further, the Hon'ble High Court of Telangana, Hyderabad has passed the following orders Dt.05.12.2022 in Criminal Petition No.10793 of 2022 (operative portion):

> *".... A complaint was filed against the present petitioner for criminal misappropriation of Government funds. However, the police after investigation filed a final report as 'lack of evidence'. The said report was filed on 19-08-2019. Thereafter, there are no orders by the Court taking cognizance against the petitioner. In the said reasons, the petition is misconceived as the petitioner is not an accused before any Court".*

4. The Charged Officer, aggrieved by the orders of the Government, has filed W.P.No.14895 of 2023 in the Hon'ble Andhra Pradesh High Court and prayed for grant of all service benefits i.e. treating the suspension period as on duty, consequential terminal benefits, including increments and pension, etc.

5. In the reference tenth read above, the Hon'ble High Court of A.P., has passed the following orders in W.P.No.14895 of 2023 (operative portion):

> *".....Considering the submissions made by the petitioner and also on perusal of the averments made in the writ petition, as the prayer is only to complete the enquiry and pay the retirement benefits to the petitioner, this Court is inclined to dispose of the writ petition at the stage of admission, considering the charge memos were issued in the year 2013, the respondents are directed to complete and conclude the disciplinary proceedings/enquiry expeditiously preferably within n period of three (03) months from the date of this Order and take appropriate action as per the final result. If for any reason, the respondents are unable to conclude the disciplinary proceedings within three (03) months, the respondents shall pay release all retirement benefits and pension also to the petitioner'".*

6. The Charged Officer has filed Contempt Case No.6707 of 2023 in W.P.No.14895 of 2023 in the Hon'ble High Court of A.P., for not implementing the orders of Hon'ble High Court in judgment Dt.28.06.2023 in W.P.No.14895 of 2023. In the reference eleventh read above, the Hon'ble High Court of A.P., has passed the following orders Dt.15.03.2024 in Contempt Case No.6707 of 2023 (operative portion):

> *".....The orders of this Court are clear. The consequence of not completing the enquiry within the period stipulated by the Court would be that the pensionary benefits and retirement benefits of the petitioner were to be released without any condition".*
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> *This consequence has not been given effect by the respondents and there is a prima facie case of contempt".*

7. Accordingly, in the reference twelfth read above, the Director of Treasuries & Accounts, A.P., has issued proceedings for releasing of retirement benefits i.e., GIS amount, Final encashment of Earned Leave, & GPF to the Charged Officer.

8 In the reference thirteenth read above, the Hon'ble High Court of A.P., has passed the following orders Dt.03.05.2024 in Contempt Case No.6707 of 2023 in W.P.No.14895 of 2023 (operative portion):

> *".....learned counsel appearing for the respondents would submit the proceedings have been initiated since the last date of hearing and steps are being taken to authorize the payment of entire service pension payable to the petitioner and other benefits."*

9. The Government, after careful examination of the matter and consulting with the Legal Authorities, have decided to implement the orders of the Hon'ble High Court in its judgement dt:28.06.2023 in W.P.No.14895 of 2023 and also the orders of the Hon'ble High Court in its judgement Dt.03.05.2024 in Contempt Case No.6707 of 2023 in W.P.No.14895 of 2023 and accordingly here by order for sanction of full pension and other retirement benefits to Dr. P. Bramhananda Rao, Joint Director (Retired) as a special case, in relaxation of G.O.Rt.No.1097, Finance (FW: Pen-I) Department, Dt.22.06.2000 & Pension Rule-9 (4) & Rule-52 of Andhra Pradesh Revised Pension Rules, 1980 without prejudice to the outcome of the departmental disciplinary case pending against him and the outcome of appeal if any filed in any court against the orders in W.P.No.14895 of 2023.

10. The Director of Treasuries and Accounts, Andhra Pradesh, Mangalagiri shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. NIVAS
SECRETARY TO GOVERNMENT(RM)

To,
The Director of Treasuries & Accounts, A.P., Mangalagiri.
The Retired Officer through the Director of Treasuries & Accounts, A.P., Mangalagiri.
Copy to:
The Accountant General (A&E), A.P. Vijayawada.
The Pay and Accounts Officer, A.P., Mangalagiri through the DTA.
The Secretary to Vigilance Commissioner, A.P. Vigilance Commission, A.P. Secretariat.
The Government Pleader for Services, A.P. High Court, Amaravati.
SF/SC's (61763).

//FORWARDED::BY ORDER//

SECTION OFFICER